

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Capstar, TX, LLC	)	File No.: EB-FIELDNER-19-00028786
As Debtor in Possession	)	
	)	
Licensee of Radio Station WHJY	)	Facility ID Number 72298
	)	
Providence, Rhode Island	)	
	)	

**NOTICE OF VIOLATION**

**Released: April 18, 2019**

By the Regional Director, Region One, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to Capstar TX, LLC, as Debtor in Possession (Capstar), licensee of FM radio station WHJY in Providence, Rhode Island. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On March 15, 2019, an Agent of the Enforcement Bureau's Boston Office investigated a complaint of interference and observed the following violation:

- a. 47 CFR § 73.317(a) and (d): "(a) FM broadcast stations employing transmitters authorized after January 1, 1960, must maintain the bandwidth occupied by their emissions...should harmful interference to other authorized stations occur, the licensee shall correct the problem promptly or cease operation...(d) Any emission appearing on a frequency removed from the carrier by more than 600 kHz must be attenuated at least 43 + 10 Log<sub>10</sub> (Power, in watts) dB below the level of the unmodulated carrier, or 80 dB, whichever is the lesser attenuation." At the time of the on-scene investigation, the agent observed that the station's transmitter was generating a spurious emission in the 71-72 MHz band that was not sufficiently attenuated to meet the required emission limits and was causing harmful interference to the City of Pawtucket's fire department.

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<sup>1</sup> 47 CFR § 1.89.

<sup>2</sup> 47 CFR § 1.89(a).

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,<sup>3</sup> and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Capstar must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>4</sup>

4. In accordance with Section 1.16 of the Rules, we direct Capstar to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Capstar with personal knowledge of the representations provided in Capstar's response, verifying the truth and accuracy of the information therein,<sup>5</sup> and confirming that all of the information requested by this Notice which is in Capstar's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>6</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. specified above, and mailed to the following address:

Federal Communications Commission  
Columbia Regional Office  
9050 Junction Drive  
Annapolis Junction, Maryland 20701  
FIELD@FCC.GOV

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<sup>3</sup> 47 U.S.C. § 308(b).

<sup>4</sup> 47 CFR § 1.89(c).

<sup>5</sup> Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 CFR § 1.16.

<sup>6</sup> 18 U.S.C. § 1001 *et seq.* See also 47 CFR § 1.17.

6. This Notice shall be sent to Capstar TX LLC, as Debtor in Possession, 7136 S. Yale Avenue, Suite 501, Tulsa, Oklahoma, 74136. The Privacy Act of 1974<sup>7</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

David C. Dombrowski  
Regional Director  
Region One  
Enforcement Bureau

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<sup>7</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).